

REMARKS

The Examiner rejected claims 1-3, and 5-7 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,271,693 to Bute. The Examiner asserted that Bute discloses an apparatus for generating carbon monoxide comprising an enclosure having an inlet and an outlet, at least one of which is provided with a baffle. Further, the Examiner asserts that a container is located within the enclosure and arranged to receive carbon material in thermal contact with an electrical heating element with means to cause air to move from the inlet to the outlet.

The Applicant respectfully disagrees. As a preliminary matter, the invention disclosed in the Bute patent is an apparatus for testing smoke detectors and not carbon monoxide detectors. The Bute apparatus is essentially an extendable wand which carries a smoke producing pellet at the tip. This smoke may be used to test the sensors of a smoke detector. Conversely, the present invention produces a stream of carbon monoxide, which is a colorless and odorless gas, through the outlet to test a carbon monoxide sensor.

Further, the Examiner failed to show where Bute discloses an enclosure having an inlet and an outlet and a means of causing air to move from the inlet to the outlet. This is because Bute does not include such features. Bute includes a cylinder (101) carried on the end of an telescoping assembly (14). A pellet (16) is inserted in the end of cylinder (101) and heat is applied to the end of the pellet (16). Consequently, the pellet smolders and smoke flows to the sensing means in the smoke detector. (Col. 6, lines 3-6). The cylinder 101 is completely closed at one end and thus no air is moved from an inlet to an outlet. Further, the apparatus of Bute does include any means to cause air to move from the inlet to the outlet.

Notwithstanding these deficiencies in the prior art, claim 1 has been amended in an attempt to provide further clarity. As amended, claim 1 now requires that the heated material consist essentially of carbon. Bute does not teach or suggest such a limitation. The Bute pellet (16) contains a compressed mixture of fine sawdust mixed with vegetable oil, potassium chlorate, iron oxide, soap detergent and a binder. (Col. 4, lines 40-43). The

present invention requires a material comprised essentially of carbon in order to produce the required amount of carbon monoxide. Further, by using a carbon material, the present invention does not produce excessive amounts of unwanted smoke.

The Examiner further rejected claim 4 under 35 U.S.C. 103(a) as being unpatentable over Bute in view of U.S. Patent No. 5,523,744 to Wiesser. The Examiner asserted that Bute discloses the claimed invention except the use of a fan to move the air and that Wiesser teaches such a feature.

The Applicants respectfully disagree. First, in light of the deficiencies of Bute, it is believed that claim 4 is patentable. Further, it should be appreciated that the apparatus of Weisser tests smoke detectors and not carbon monoxide detectors. Thus, the apparatus of Weisser tests a different type of sensor. Further, the fan disclosed in Weisser is provided in order to blow air into the detector to cause an ionisation type detector to react. No smoke or carbon monoxide is generated in the apparatus of Weisser and thus it is believed that the combination is improper as there is no motivation provided to combine the references.

In light of the above amendments and remarks it is believed that claims 1-7 are in condition for allowance and a formal Notice of Allowance of the is earnestly solicited.

If any further issues remain after this amendment, a telephone call to the undersigned would be appreciated.

Respectfully submitted,



Edward G. Greive, Reg. No. 24,726
Renner, Kenner, Greive, Bobak, Taylor & Weber
Fourth Floor, First National Tower
Akron, Ohio 44308-1456
Telephone: (330) 376-1242

Attorney for Applicants

July 10, 2006